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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
10

11 WAYMO, LLC,

12 Plaintiff,

13 vs.

14 UBER TECHNOLOGIES, INC;
15 OTTOMOTTO LLC; and OTTO TRUCKING
LLC,

16 Defendants.
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Case No.: 3:17-CV-00939 (WHA)

**DECLARATION OF JONATHAN
PATCHEN IN SUPPORT OF PLAINTIFF
WAYMO, LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS REPLY IN SUPPORT
OF MOTION FOR CONTINUANCE OF
TRIAL DATE**

Honorable William Alsup

1 I, JONATHAN PATCHEN, declare as follows:

2 1. I am a partner in the law offices of Taylor & Patchen, LLP, a member in good
3 standing of the bar of the State of California, and am admitted to practice before the United States
4 District Court for the Northern District of California. I have personal knowledge of the matters set
5 forth in this declaration, and if called upon to testify as a witness in this case, I could and would
6 testify competently under oath to all of the matters set forth in this declaration.

7 2. This declaration is submitted in support of Plaintiff Waymo, LLC's Administrative
8 Motion to File Under Seal confidential information in its Reply in Support of Motion for
9 Continuance of Trial Date, which is a non-dispositive motion.

10 3. Specifically, the four lines of yellow-highlighted text at pages 8:27-9:2 of the
11 Memorandum of Points and Authorities in support of Plaintiff Waymo, LLC's Reply in Support of
12 Motion for Continuance of Trial Date ("Continuance Motion") make reference to portions of the
13 Stroz due diligence report, which are the subject of Non-Party Lior Ron's September 19, 2017
14 Motion to Intervene and Motion for Protective Order (Dkt. 1686). That motion is currently
15 pending before the Court.

16 4. Upon information and belief, the due diligence report was prepared by Stroz
17 pursuant to a series of written and oral agreements specifying that the report was privileged and
18 confidential. *See* Dkt. 370 (Declaration of Eric A. Tate ISO Defs' Opp. to Mtn. to Compel) at
19 ¶¶ 11-16, 18-20, 30; Dkt. 375 (Declaration of Alisa J. Baker ISO Defs' Opp. to Mtn. to Compel)
20 at ¶¶ 7-17. As such, Mr. Ron had a reasonable expectation that the due diligence report's contents
21 would remain confidential.

22 5. Upon information and belief, the references in the Continuance Motion to the Stroz
23 due diligence report contain information that, if made available to the public, could subject Mr.
24 Ron to prejudicial harm, including reputational harm and scrutiny would severely prejudice his
25 interests in a separate arbitration proceeding. *See* Dkt. 1686.

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